

**REMARKS**

The present Request for Continued Examination is in response to the final rejection dated August 26, 2004, where the Examiner rejected claims 1-4, 6-9, and 11-16. By the present amendment, the claim objections to claims 3 and 16 have been corrected. Additionally, independent claims 1 and 6 have been amended to place all the claims in the application in condition for allowance.

**A. Claim Objections**

The Examiner identified the informalities in claim 3 and claim 16. In response to Examiner's comments, claim 3 and claim 16 have been amended. Regarding claim 3, the Applicant has used Examiner's suggestion of "wherein said" in the currently amended claim 3. Regarding claim 16, the Applicant has followed the Examiner's suggested language changes and the limitation ends with the words "alphanumeric key" in the currently amended claim 16.

**B. Rejection of Claims Under 35 USC 103**

The Examiner has rejected claims 1-2, 4, 6-7, 9, 14-16 under 35 U.S.C. 103(a) as being unpatentable over Hao, U.S. Patent 6,437,709 B1 (hereinafter "Hao '709") in view of Andre, U.S. Patent 5,950,809 (hereinafter "Andre '809"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended independent claims 1 and 6, as discussed further below. For the reasons that follow, the Applicant respectfully submits that claims 1-2, 4, 6-7, 9, and 14-16 are patentably distinguishable from Hao '709 in view of Andre '809.

Regarding independent claims 1 and 6, the Applicant has more clearly distinguished between the "alphanumeric mode", the "navigation mode", and the "illumination source." More particularly, the Applicant has amended claims 1 and 6 to refer to a "navigation scheme" which when illuminated permits the user to distinguish between the alphanumeric mode and the navigation mode. The

“navigation scheme” comprises at least one navigation and alphanumeric key, which is a subset/subclass of the plurality of alphanumeric keys that performs navigation functions. In operation, when the navigation scheme is illuminated, the user can tell he/she is in navigation mode because at least one navigation and alphanumeric key is illuminated. Note, while in the navigation mode, alphanumeric keys that *only* operate in alphanumeric mode are NOT illuminated.

Support for the “navigation scheme” is provided in the illustrative example in the Applicant’s patent application that describes four navigation keys that are individually illuminated in navigation mode.

In addition to or as an alternative indication of navigation mode, the housing surface area associated with navigation keys 10 shown in FIG. 1 as an oval, as well as navigation keys 10 are illuminated with a backlighting source whenever the mobile is in navigation mode. In contrast, all of the keys of keypad 20 are illuminated when in alphanumeric mode. Suitable backlighting sources include light emitting diodes (LEDs) and electroluminescent (EL) panels. As an alternative additional indicator of navigation mode to the user, housing surface areas shown at 36, 38, 40 and 42 and corresponding navigation keys 16, 18, 14 and 12 are individually illuminated with a backlighting source when one of the keys is operated. A variety of illumination schemes and icon indicators can equally serve the purpose of indicating mode to the user. See Page 5, line 10 – 18 in the patent application.

In summary, the Examiner shall appreciate that neither Hao ‘709 and Andre ‘809 fail to motivate, teach or suggest a navigation scheme that has navigation and alphanumeric keys AND an illumination source that distinguishes between the alphanumeric mode and the navigation mode by having a navigation scheme that illuminates at least one integral navigation and alphanumeric key in navigation mode.

The Examiner shall appreciate that the purpose for illuminating the navigation scheme is so that the user can easily tell they are in the navigation mode. The navigation scheme does not light up the entire keyboard.

Alphanumeric keys that *only* operate in alphanumeric mode are NOT illuminated in navigation mode and are not part of the navigation scheme.

Neither Hao '709 or Andre '809 teach these limitations. More particularly, Hao '709 is not directed to illuminated keys. Although Andre '809 describes the use of an illumination source such as an LEDs, Andre '809 discloses *two polarized light sources in perpendicular planes to light the keyboard*. See col. 2: line 66 to col. 3: line 1. The Andre '809 polarized light sources operate in a substantially different manner from the Applicant's illumination source. In Andre '809, a first polarized light source illuminates the telephone mode labels, and a second polarized light source illuminates the "menu" mode labels. See col. 2 line 50 to col. 3 line 16. For each key there are two film labels that are each stuck to polarizing filters whose polarization planes are normal to one another. See col. 2 line 50 – 65. *Thus, in Andre '809 all keys are illuminated in alphanumeric mode and in navigation mode.*

Furthermore, Andre '809 reinforces the need to light the whole keyboard in both navigation mode and alphanumeric mode throughout the patent. For example, in one instance, Andre '809 refers to lighting the whole keyboard by having "diodes ... soldered directly in the printed circuit 60 of the telephone which is located underneath the keyboard. They are spread over the surface of the circuit so as to be able to light the whole keyboard." See Andre '809, col. 3, line 17-21, *emphasis added*.

In a separate paragraph, Andre '809 again refers to lighting the whole keyboard, Andre '809 states: "[a] keyboard according to the invention includes one or various keys of the type which has just been described. When the fifteen keys of the telephone represented in FIG. 1 are of this type, four light-emitting diodes will suffice to light the whole keyboard . . ." See col. 3, line 22-26, *emphasis added*.

Clearly, Andre '809 is focused on teaching the principals of lighting the "whole keyboard." As an apparent afterthought, Andre '809 states "it is also possible that certain keys are only lit from the back, and the form of these keys

may be any form." See col. 3, line 44-46. However, Andre does not identify "how" certain keys are to be illuminated. Furthermore, Andre '809 fails to teach what form this illumination would take. Further still, there is no reference to distinguishing between a navigation mode and an alphanumeric mode with a navigation scheme.

As stated in Section 2143 of the MPEP:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. Section 2143, MPEP Rev. 2.0, May 2004, pg. 2100-129.

Here, both Andre '809 and Hao '709 fail to teach, motivate, suggest or describe a navigation scheme, in which at least one navigation and alphanumeric key(s) is illuminated, thereby permitting the user to distinguish between a navigation mode and an alphanumeric mode. Note, alphanumeric keys that only operate in alphanumeric mode are not illuminated in navigation mode.

Further still, it may be argued that Andre '809 teaches away from the use of a navigation scheme by describing only one embodiment in which Andre '809 refers to lighting the whole keyboard in navigation mode and in alphanumeric mode.

Thus, based on the arguments provided, the Applicant respectfully submits that the amended claims 1 and 6, are in a state of allowance.

Regarding dependent claim 2, 4, 7, 9, and 14-16. Each of these dependent claims depend on the amended independent claim 1 and 6, and as such includes the additional limitations of a navigation scheme and an

illumination source that distinguishes between the alphanumeric mode and the navigation scheme by illuminating a navigation key(s) in navigation mode. Since neither Hao '709 or Andre '809 motivate, suggest, or teach these limitations, these dependent claims are also in the state of allowance. Please note, that with respect to claims 2, 4, 7, 9, and 14-16, the Applicant reserves the right to present arguments at a later time if the Examiner does not find that claims 1 and claim 6 are in a state of allowance.

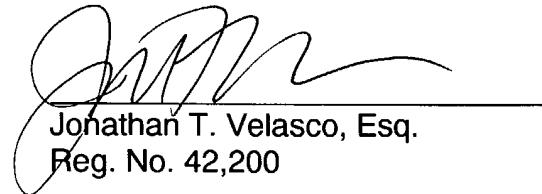
Regarding dependent claims 3 and 8, which depend on claim 1 and 6, respectively, the new reference Tso et al., U.S. 6,157,323, (hereinafter "Tso '323") is cited by the Examiner. Upon further review of Tso, there is no teaching of a navigation scheme and an illumination source as described in Applicant's amended claims. Therefore, since Hao '709, And '809 and Tso '323 fail to teach these limitations, these dependent claims are also in a condition for allowance. Please note, that with respect to claims 3 and 8, the Applicant reserves the right to present arguments at a later time if the Examiner does not find that claims 1 and claim 6 are in a state of allowance.

Regarding dependent claims 11-13, which depend on claim 1 and 6, respectively, the new reference Kraft et al., U.S. 6,463,278, (hereinafter "Kraft '278") is cited by the Examiner. Kraft '278 is not directed to the navigation scheme, and the illumination source described by the Applicant's amended independent claims. Therefore, since Hao '709, And '809 and Kraft '278 fail to teach these limitations, these dependent claims are also in a condition for allowance. Please note, that for claims 11, 12 and 13, the Applicant reserves the right to present arguments at a later time if the Examiner does not find that claims 1 and claim 6 are in a state of allowance.

**C. Conclusion**

For all the foregoing reasons, allowance of claims 1-4, 6-9 and 11-16 pending in the present application is respectfully requested.

Respectfully Submitted,



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Dated: November 18, 2004

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